

SECOND REGULAR SESSION

SENATE BILL NO. 1119

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 11, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5026S.011

AN ACT

To repeal section 221.105, RSMo, and to enact in lieu thereof two new sections relating to prisoner incarceration reimbursement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 221.105, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 221.105 and 488.2303, to read as
3 follows:

221.105. 1. The governing body of any county and of any city not within
2 a county shall fix the amount to be expended for the cost of incarceration of
3 prisoners confined in jails or medium security institutions. The per diem cost of
4 incarceration of these prisoners chargeable by the law to the state shall be
5 determined, subject to the review and approval of the department of corrections.
6 2. When the final determination of any criminal prosecution shall be such
7 as to render the state liable for costs under existing laws, it shall be the duty of
8 the sheriff to certify to the clerk of the circuit court or court of common pleas in
9 which the case was determined the total number of days any prisoner who was
10 a party in such case remained in the county jail. It shall be the duty of the
11 county commission to supply the cost per diem for county prisons to the clerk of
12 the circuit court on the first day of each year, and thereafter whenever the
13 amount may be changed. It shall then be the duty of the clerk of the court in
14 which the case was determined to include in the bill of cost against the state all
15 fees which are properly chargeable to the state. In any city not within a county
16 it shall be the duty of the superintendent of any facility boarding prisoners to
17 certify to the chief executive officer of such city not within a county the total
18 number of days any prisoner who was a party in such case remained in such
19 facility. It shall be the duty of the superintendents of such facilities to supply the

20 cost per diem to the chief executive officer on the first day of each year, and
21 thereafter whenever the amount may be changed. It shall be the duty of the chief
22 executive officer to bill the state all fees for boarding such prisoners which are
23 properly chargeable to the state. The chief executive may by notification to the
24 department of corrections delegate such responsibility to another duly sworn
25 official of such city not within a county. The clerk of the court of any city not
26 within a county shall not include such fees in the bill of costs chargeable to the
27 state. The department of corrections shall revise its criminal cost manual in
28 accordance with this provision.

29 3. The actual costs chargeable to the state, including those incurred for
30 a prisoner who is incarcerated in the county jail because the prisoner's parole or
31 probation has been revoked or because the prisoner has, or allegedly has, violated
32 any condition of the prisoner's parole or probation, and such parole or probation
33 is a consequence of a violation of a state statute, or the prisoner is a fugitive from
34 the Missouri department of corrections or otherwise held at the request of the
35 Missouri department of corrections regardless of whether or not a warrant has
36 been issued shall be the actual cost of incarceration not to exceed:

37 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

38 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

39 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per
40 day per prisoner, subject to appropriations, but not less than the amount
41 appropriated in the previous fiscal year.

42 **4. There is hereby created in the state treasury, the "Prisoner**
43 **Incarceration Reimbursement Fund", which shall consist of moneys**
44 **collected under section 488.2303, RSMo. The money in the fund shall be**
45 **used only to provide prisoner incarceration cost reimbursement as**
46 **provided under this section. The state treasurer shall be custodian of**
47 **the fund and may approve disbursements from the fund in accordance**
48 **with sections 30.170 and 30.180, RSMo. The department of corrections**
49 **shall administer the fund. Any money deposited into the fund to**
50 **provide prisoner housing reimbursement under this section shall be in**
51 **addition to the amount appropriated by the general assembly for such**
52 **purpose from the general revenue fund. Notwithstanding the**
53 **provisions of section 33.080, RSMo, to the contrary, any moneys**
54 **remaining in the fund at the end of the biennium shall not revert to the**
55 **credit of the general revenue fund. The state treasurer shall invest**

56 moneys in the fund in the same manner as other funds are
57 invested. Any interest and moneys earned on such investments shall be
58 credited to the fund.

488.2303. In addition to all court fees and costs prescribed by
2 law, a surcharge of ten dollars shall be assessed as costs against any
3 party filing a civil action in any court in this state. Additionally, a
4 surcharge of ten dollars shall be assessed as costs in each court
5 proceeding in any court in this state in all criminal cases, including
6 violations of any county ordinance or any violation of a criminal or
7 traffic law of this state, including infractions, except that no such
8 surcharge shall be collected in any proceeding in any court when the
9 proceeding or the defendant has been dismissed by the court or when
10 costs are to be paid by the state, county, or municipality. Such
11 surcharges shall be collected by the circuit clerk and disbursed as
12 provided by sections 488.010 to 488.020. Such fees shall be payable to
13 the state treasurer, to be deposited into the prisoner incarceration
14 reimbursement fund created under section 221.105, RSMo.

Bill ✓

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